**Ordering the Securing of a Vacant Building, LMC Model Resolution**

*League staff thoughtfully develops models for your city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in* [*“Dangerous Properties.”*](https://www.lmc.org/resources/dangerous-properties/)

**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION ORDERING THE SECURING OF A VACANT BUILDING.**

**WHEREAS,** the City Council of \_\_\_\_\_\_\_\_\_\_\_ finds that the building located at (address) is vacant and hazardous because it is open to trespass and has not been secured based on the following circumstances:

1. (List reasons.)
2. (Continue to list reasons, adding as many lines as necessary.)

**WHEREAS,** the conditions listed above are more fully documented in the (inspection report, personal observation, photographs, etc.) prepared by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on \_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, a copy (or copies) of which is (are) attached to this resolution as Exhibit A.

*Edit this section to reflect what evidence the city has. Attach all evidence to the resolution as “Exhibit A.”*

**WHEREAS,** pursuant to Minn. Stat. § 463.251, the City Council of \_\_\_\_\_\_\_\_\_\_\_ finds that the building could be made safe by securing the building.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MINNESOTA AS FOLLOWS:

1. That pursuant to the foregoing findings and in accordance with Minn. Stat.
§ 463.251, the council orders the owner of the property located at (address) be properly secured by taking the following actions:

* 1. (List actions needed to secure building.)

* 1. (Continue to list actions, adding as many lines as necessary.)

*Actions to secure the building include things like installing locks, repairing windows and doors, boarding windows and doors, posting “no-trespassing” signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system.*

1. That the owner, the owner’s agent, or the holder of the sheriff’s certificate of sale has six (6) days after the order is served to do one of the following:
	1. Comply with this order.
	2. Provide the council with a reasonable plan and schedule to comply with the order.
	3. Request a hearing before the council challenging the council’s determination that the property is vacant or unoccupied and hazardous.
2. That if the owner, the owner’s agent, or the holder of the sheriff’s certificate fails to comply with options outlined in section 2 of this order, the council will take action to secure the building.
3. That all work must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the city.
4. That the holder of any sheriff’s certificate has a duty under Minn. Stat. § 582.031, subd. 1(b) to enter the premises to protect it from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in Minn. Stat. § 582.032, subd. 7.
5. That if the city must take actions to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.251, 463.21, and 463.151.
6. That the city attorney is authorized to serve this order upon the owner of the premises at (address), the holder of the sheriff’s certificate of sale, and all lien holders of record.

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk